CHAPTER XV.

Rules Relating to the Appointment and Examination of Cantonment Magistrates.

PART I.

These rules are applicable to all officers entering the Cantonment Magistrates' Department after the 25th January 1893; and to those officers, confirmed as Cantonment Magistrates before that date, who have elected to serve under these rules.

1. Officers serving in the Department form an Imperial Service under the Army Department of the Government of India whose administration is under the control of His Excellency the Commander-in-Chief in India.

2. Appointments to the Judge Advocate General's Department will be given preferentially to the members of the above service, who qualify for this Department by passing the prescribed examination. Candidates for the Judge Advocate General's Department will, from time to time, be attached to the Judge Advocate General's office for a period of three months, in order to obtain a knowledge of English law and procedure.

3. Officers of the Indian Army are alone eligible for appointment to the Cantonment Magistrates' Department. Those desirous of such appointment will apply to the Quarter Master General in India, through the usual channel, forwarding with the application a copy of their record of service made up to date.

4. In the Bombay Presidency the Cantonment Magistracies constituted sole charges are those of Poona, Kirkee, Belgaum, Karáchi and Manora, and Ahmednagar.

5. Magistrates or Assistant Magistrates will be permitted to revert to Military duty, on giving reasonable notice, at any time up to three years from the date of their substantive appointment; and thereafter up to ten years, they may be permitted to revert with the approval of the Local Government and of the Commander-in-Chief. They will not be considered to be in permanent civil employ until they have no longer the option of reverting to Military duty; and for the first three years from the date of their substantive appointment, during which they can exercise this option, they will be seconded in their regiments. After ten years officers will no longer be eligible for return to Military duty unless selected for appointment to the Judge Advocate General's Department. The Government of India will, however, retain the power of directing an officer's return to Military duty at any time for inefficiency in the work of the Department.

6. Substantive service commences from the date on which an officer is confirmed in his appointment.

7. Ordinarily a Military officer before appointment to a Cantonment Magistracy will be required to pass a preliminary examination as detailed in Rule 16 in the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act, the Mofussil Small Cause Courts Act, Code of Civil Procedure, 1908, except the provisions declared by Section 7 not to extend to Provincial Small Cause Courts, and the District Police Act, all with books; and in the Cantonments Act and Code without books.

This examination is the same in all Provinces, and is equivalent in difficulty to the corresponding portion of the Lower Standard for Junior Members of the Indian Civil Service. It must be passed in the Province in which the candidate is serving, whether temporarily as a Cantonment Magistrate or with troops.

8. After appointment to be a Cantonment Magistrate, and before receiving the higher rate of pay laid down in Rule 9 of these rules, a Military officer will be required to pass a further examination as described in Rule 17.

In any case in which an officer has not in qualifying for the Indian Staff Corps passed by the Higher Standard in the vernacular of the Province in which

he is serving, he must pass by the Higher Standard, or by such other test as may have been especially sanctioned by the Government of India, in the vernacular of that Province.

9. The number of appointments in the Cantonment Magistrates' Department and the rates of staff pay are as under :—

	Staff pay. Rs.
1 Inspecting Officer of Cantonments* (graded as a Deputy Quarter Master General)	1,000
3 First Grade Magistrates	700
6 Second Grade Magistrates	600
31 Magistrates—	
(I) After ten years' substantive service ...	500
(II) After five years' substantive service ...	400
(III) On passing the Departmental Higher Standard Examination	300
(IV) On passing the Departmental Lower Standard Examination	250
(V) On first appointment	200
8 Assistant Magistrates as above, but maximum ...	300

10. The allowance of Rs. 200 a month, in addition to staff corps pay of rank, admissible on first appointment, will be considered as staff salary; and the acting allowance of an officiating officer will accordingly be calculated under Articles 114 and 115 of the Civil Service Regulations. The additional allowance of Rs. 50 and Rs. 100 a month admissible to a substantive Magistrate or Assistant Magistrate on passing the Departmental Lower and Higher Standard Examination, respectively, will however, be admissible in full to an officiating officer. The salary of an officer officiating for an absentee, who is under the leave rules for the staff corps (1886), will be regulated in the same way as if the absentee were subject to the Military Furlough Rules, 1868.

11. Promotion to two highest grades, which carry a staff pay of Rs. 700 and Rs. 600 a month, respectively, will be made entirely by selection. The receipt of an increased rate of pay, after five or ten years' substantive service, will depend upon the manner in which a Magistrate is reported on. Recommendations for the grant of an increased rate of pay, as well as for promotion to the grades of Rs. 600 and Rs. 700, will be made by the Quarter Master General in India to the Government of India, based on the reports received as to the administrative capacity and judicial work of Magistrates.

12. Service as Assistant Magistrate will count towards the rate of staff pay of an officer who may be subsequently confirmed as Magistrate.

13. An officer who has not passed the preliminary examination will only be permitted to act as a Magistrate or Assistant Magistrate for a period of three months, unless exceptional circumstances justify his retention beyond that period.

An officer appointed to act as a Magistrate or Assistant Magistrate without having passed the preliminary examination will be required to pass the Departmental Lower Standard Examination before being confirmed in his appointment.

14. Officers are liable to transfer from one Cantonment to another, irrespective of the Commands or Provinces in which they may be serving.

15. Examinations for Cantonment Magistrates will be held every six months, at the same time and place as the Departmental Examinations, *i. e.*, at Bombay or Poona under the supervision of the Permanent Committee for

* Tentative appointment for eight years.

Departmental Examinations on such dates in June and December as may be notified to the Examinees by order of the President. The papers will be set by the officers who set the judicial papers in the Departmental Examinations for Assistant Collectors and others.

16. The preliminary examination will include only the subjects named in Rule 7, and will be equivalent in difficulty to the corresponding portion of the Lower Standard Examination for Assistant Collectors. It will consist of the following papers :—

	Marks.
(1) Questions in the Indian Penal Code, the Code of Criminal Procedure and the District Police Act, to be answered with books	100
(2) Questions in the Indian Evidence Act, the Mofussil Small Cause Courts Act, and the Code of Civil Procedure, 1908, except the provisions declared by Section 7 not to extend to Provincial Small Cause Courts, to be answered with books	100
(3) Questions in the Cantonments Act and Code, to be answered without books	100

A candidate must obtain 50 marks in each paper, and an aggregate of 180 marks, to pass this examination.

The Further Examination.

17. The further examination in law shall be equivalent in difficulty to the Lower Standard Departmental Examination for Assistant Collectors, and shall consist of the following papers :—

		Marks.
Subject I ...	1. (*a*) Judicial Questions, to be answered with books ...	100
	(*b*) Question in the Cantonments Act and Code, to be answered without books .	50
	2. Magisterial case	50
Subject II ...	3. Questions in the Mofussil Small Cause Courts Act, the Code of Civil Procedure, 1908, except the provisions declared by Section 7 not to extend to Provincial Small Cause Courts, and the Indian Evidence Act, to be answered without books.	100

The examination in Language shall be according to the standard shown below :—

Subject III...	1. Translation from English ...	125
	2. Translation into English of a vernacular passage and writing a summary in English of vernacular papers read out to the candidate	125
	3. Reading and explaining vernacular papers and conversation.	150

(i) Exercises under heads 1 (*a*) and 2 of subject I will be the same as those set to the Assistant Collectors in the Lower Standard Departmental Examination.

(ii) The examination in Maráthi shall be held by the Civil and Military Examination Committee and the examination in Sindhi by the Local Committee at Karáchi. The Civil and Military Examination Committee will meet on the first Monday in every month to conduct the examination in Maráthi. Should the first Monday of a month fall on one of the Gazetted holidays, the examination will be held on the following Monday or, if that is also a Gazetted holiday, on the next working day thereafter. The Local Committee at Karáchi will meet for examining candidates in Sindhi whenever directed by the Commissioner in Sind to do so.

(iii) A Cantonment Magistrate or Assistant Cantonment Magistrate serving in Poona or Belgaum will be required to qualify in Maráthi and the Cantonment Magistrate serving in Karáchi in Sindhi.

(iv) A candidate who obtains at least one-half of the marks in every subject and at least 60 per cent. of the total number of marks will be considered to have passed, unless the Examining Committee for special reported reasons see fit to rule otherwise.

(v) It is optional for a Cantonment Magistrate or an Assistant Cantonment Magistrate to appear for both Law (subjects I and II) and Language (subject III) at the same time or separately for either.

18. Any Military officer who has passed the Higher Standard Examination in Maráthi, if he is Cantonment Magistrate of Poona, Belgaum or Ahmednagar and in Sindhi, if he is Cantonment Magistrate of Karáchi, will not be required to pass the vernacular part of the further examination.

19. On transfer from Poona, Belgaum or Ahmednagar to Karáchi or *vice versa*, a Cantonment Magistrate or Assistant Cantonment Magistrate will be required to pass an examination in Sindhi or Maráthi of the nature described in Rule 17, unless he has previously passed that examination or the Higher Standard Examination in the language required. If he fail to do so within 18 months of his transfer he will be entitled to no increase of salary until he does pass.

20. A Civil officer whether covenanted or not, temporarily placed in charge of a Cantonment Magistracy which is a sole charge, in addition to his own duties, is entitled to an acting allowance of Rs. 100 a month.

PART II.

Cantonment Magistracies which are not sole charges.

1. The Cantonment Magistracies that will ordinarily be held by a Military officer doing Military duty are the following :—

Devlali.	Ahmedabad.
Hyderabad.	Bhuj.
Deesa.	Purandhar.
Jacobabad.	Santa Cruz.

An allowance of Rs. 100 per mensem is payable to Military officers for the charge of these Cantonment Magistracies except those of Bhuj, Purandhar and Santa Cruz. An allowance of Rs.50 per mensem is payable to the Cantonment Magistrate, Devlali.

2. No preliminary examination is required of Military officers holding these charges, but officers who have passed the preliminary examination described in Part I of these rules, will, where possible, be appointed to them.

3. The Cantonment Magistracy at Aden is held by an Assistant to the Resident.

4. The Cantonment Magistracy at Baroda is held by a Military officer appointed by the Government of India, who receives an additional allowance of Rs. 200 per mensem.